

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO ALL
CASES

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**KROGER DEFENDANTS' NOTICE OF WITHDRAWAL OF MOTION FOR LEAVE
TO FILE MOTION TO DISMISS WITH PREJUDICE FOR FAILURE TO COMPLY
WITH ORDER REGARDING SERVICE OF PROCESS**

Kroger Defendants hereby withdraw their motion for leave to file Motion to Dismiss with Prejudice for Failure to Comply with Order Regarding Service of Process, filed June 16, 2023 (ECF No. 5073), together with Exhibit 1 and proposed order.

Dated: June 19, 2023.

Respectfully submitted,

*The Kroger Co.; Kroger Specialty
Pharmacy, Inc.; Fred Meyer, Inc.
Harris Teeter, Inc.; Kroger Texas L.P.
Kroger Limited Partnership I,
Kroger Limited Partnership II,
Smith's Food & Drug Centers, Inc.*

By counsel,

s/Ronda L. Harvey

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 19, 2023, the foregoing document was filed with the Clerk of Court using the CM/ECF system which will send notice to all counsel of record. Copies of this document may be obtained through the CM/ECF system.

s/Ronda L. Harvey
Ronda L. Harvey, Esq. (WVSB 6326)